

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Consent Decree Under the Asbestos NESHAP**

Under 28 CFR 50.7, notice is hereby given that on August 7, 1998, a proposed Consent Decree in *United States v. M.K. Moore and Sons, Inc.*, Civil Action No. c 3-96-319, was lodged with the United States District Court for the Southern District of Ohio.

In this action, the United States sought penalties and injunctive relief for claims under the Asbestos National Emissions Standard for Hazardous Air Pollutants ("NESHAP"), 40 CFR part 61, Subpart M, promulgated under section 112 of the Clean Air Act ("Act"), 42 U.S.C. 7412, for inspection, notice, work practice and waste disposal violations. The claims arose in connection with M.K. Moore and Son's asbestos renovation or pre-demolition projects at eight facilities in and around the Dayton, Ohio area. Under the Consent Decree, M.K. Moore and Sons will pay a civil penalty of \$70,000 in four equal installments, will comply with the Asbestos NESHAP, and will undertake other injunctive actions, including designating an Asbestos Program Manager, training all supervisors, inspectors, and workers, providing monthly reports of its activities to U.S. EPA and the local air pollution control authority, and undertaking work practices to assure ease of monitoring of activities.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. M.K. Moore and Sons, Inc.*, D.J. Ref. No. 90-5-2-1-2072.

The Consent Decree may be examined at the Office of the United States Attorney, 602 Federal Building, 200 W. Second St., Dayton, OH 45402, at the Region 5 Office of the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, IL 60604-3590, and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. A copy of the Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the above-referenced case and enclose a check in the amount of \$10.25 (\$.25 per

page reproduction costs) payable to the Consent Decree Library.

**Joel M. Gross,**

*Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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## DEPARTMENT OF JUSTICE

**Notice of Lodging of Consent Decree Pursuant to 28 CFR 50.7**

Notice is hereby given that a proposed Stipulation, Settlement Agreement, and Order in *United States v. Northeast Ohio Regional Sewer District*, Civil Action No. 1:90CV1388, was lodged on August 7, 1998, with the United States District Court for the Northern District of Ohio. The proposed Stipulation, Settlement Agreement, and Order resolves the United States' claims against the Northeast Ohio Regional Sewer District for alleged violations of the Clean Water Act and its National Pollution Discharge Eliminations System permits.

The proposed Stipulation, Settlement Agreement, and Order requires the District to pay a civil penalty of \$40,000, with 25 percent (\$10,000) going to the State of Ohio. There is no injunctive relief because the District completed its reconstruction of the Westerly facility at issue in this matter in 1996 and has had over a year of continuous compliance with its NPDES permit since completing its reconstruction of the Westerly facility.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Stipulation, Settlement Agreement, and Order. Comments should be addressed to the Section Chief, the Environmental Enforcement Section, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to the *United States v. Northeast Ohio Regional Sewer District*. Civil Action No. 1:90CV1388, DOJ Ref. No. 90-5-1-1-3453.

The proposed Stipulation, Settlement Agreement, and Order may be examined at the office of the United States Attorney, 1800 Bank One Center, 600 Superior Avenue, East, Cleveland, Ohio 44114; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor Washington, DC 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library,

1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$2.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Joel M. Gross,**

*Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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## DEPARTMENT OF JUSTICE

**Notice of Lodging of Consent Judgment Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act**

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on July 16, 1998, a proposed consent judgment in *Washington v. United States, et al.*, Civil Action No. C94-5326 FDB and *United States v. Washington, et al.*, Civil Action No. C94-5518 FDB, was lodged with the United States District Court for the Western District of Washington. Under the consent judgment, defendant State of Washington will pay \$2.3 million in reimbursement of costs incurred by the United States in response to releases of hazardous substances at the Wyckoff/Eagle Harbor Superfund Site on Bainbridge Island, Washington. The State will also perform operation, maintenance, monitoring and habitat mitigation work at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent judgment. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Washington, et al.*, DOJ Ref. #90-7-1-525B.

The proposed consent judgment may be examined at the office of the United States Attorney, Western District of Washington, 3600 Seafirst Fifth Avenue Plaza, 800 Fifth Avenue, Seattle, Washington 98104; the Region 10 Office of the U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed consent decrees may be obtained in person or by mail from the Consent Decree Library. In requesting a copy